

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08cv93**

<b>GLENN LEO METHENY; and</b>	)	
<b>KATHERINE PRIVETT METHENY,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	<b>CASE STATUS</b>
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>PRIME CAROLINA, LLC; DAN</b>	)	
<b>GRAMMATICO SIGNATURE</b>	)	
<b>HOMES, LLC; and FAIRVIEW</b>	)	
<b>EXCAVATING, LLC,</b>	)	
	)	
<b>Defendants,</b>	)	
	)	
<b>Vs.</b>	)	
	)	
<b>CIVIL DESIGN CONCEPTS, P.A.,</b>	)	
	)	
<b>Third-Party Defendant,</b>	)	
_____	)	

**THIS MATTER** is before the court on third-party defendant Civil Design Concepts, P.A.’s Motion for Judgment on the Pleadings (#66) as to claims made against it in defendant Prime Carolina, LLC’s third-party Complaint. The same day that motion was filed, defendant Prime Carolina, LLC, filed a Notice of Chapter 11 Bankruptcy, automatically staying this action as to them. The court will direct that the pending motion be marked as stayed.

Where there are multiple defendants, the practice in this court has been to move forward with claims by and between the parties who are not in bankruptcy if such can be done without wasting judicial resources or the resources of the parties. As to the remainder of this action, discovery concludes October 1, 2009. Prior to the expiration of this deadline, the remaining parties will be required to file a joint status report outlining a proposed plan for disposition of this case or a motion to stay the remainder of the case.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that third-party defendant Civil Design Concepts, P.A.'s Motion for Judgment on the Pleadings (#66) is **STAYED**, and the remaining parties shall file a joint status report outlining a proposed plan for disposition of this case, or a motion to stay the remainder of the case, not later than September 25, 2009.

Signed: September 10, 2009



Dennis L. Howell  
United States Magistrate Judge

